

FORT DODGE, IOWA
SUBDIVISION ORDINANCE

ADOPTED: JANUARY 17, 1984
EFFECTIVE: JANUARY 25, 1984

CITY COUNCIL

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ORDINANCE NUMBER 1641

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND: PRESCRIBING STANDARDS FOR NEW SUBDIVISION AND FOR THE IMPROVEMENT THEREOF: AND PROVIDING PENALTIES FOR THE VIOLATION OF SUCH ORDINANCE.

BE IT ORDAINED BY THE CITY OF FORT DODGE, IOWA:

ARTICLE 1: TITLE AND PURPOSE

Section 1. Title. This ordinance shall be known, referred to and cited as “The Land Subdivision Ordinance of the City of Fort Dodge, Iowa.”

Section 2. Purpose. This Ordinance is intended to provide for the harmonious development of Fort Dodge; for the coordination of streets within subdivision with other existing or planned streets or with other features of the Comprehensive City Plan of Fort Dodge; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, prosperity; for development proposals which do not cause significant negative fiscal impacts on the City of Fort Dodge, and for the general welfare of the citizens of the City of Fort Dodge, Iowa.

ARTICLE 2: DEFINITIONS

Section 1. Definitions. For this purpose, certain words and terms are herewith defined; the singular includes the plural and the plural includes the singular; the word “shall” is mandatory and not directory.

- (a) Building Line. A line on a plat between which line and a street no building or structure may be erected.
- (b) Certificate of Occupancy.
- (c) Cul-de-sac. A minor street with only one outlet and culminated by a turn-around.
- (d) Dedication. Gift or donation of real estate by owner to the City of Fort Dodge. Such transfer is conveyed by written instrument and is completed with acceptance by the City of Fort Dodge, and is further for a specific use.

- (e) Easement. A grant by the property owner of the use, for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons.
- (f) Improvement. Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.
- (g) Lot. A portion of a subdivision or other parcel of land intended for the purpose whether immediate or future, of transfer of ownership or for building development.
- (h) Maintenance Bond. A security acceptable to the City Council which is required and accepted to assure that necessary improvements will function as required for a specific period of time.
- (i) Major Plat. All Subdivisions not classified as Minor Plats including but not limited to Subdivisions of six (6) or more lots or any size subdivisions requiring any new street or extension of the local governmental facilities or the creation of any public improvements.
- (j) Major Street. A street designated as a major street in the Major Street Plan for the City of Fort Dodge, Iowa.
- (k) Minor Plat. Is any Subdivision containing not more than five (5) lots fronting on an existing street not involving any new street or road or extension of any municipal facilities or the creation of any public improvements and not adversely effecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Zoning Map, Zoning Ordinance or these regulations.
- (l) Minor Street. A street not designated as a major street in the Major Street Plan in Fort Dodge, Iowa.
- (m) Performance Bond. A surety bond or cash deposit made out to the City of Fort Dodge in an amount equal to the full cost of the improvements which are required by this regulation, said cost being estimated by the City Engineer, and said surety bond or cash deposit being legally sufficient to secure to the City of Fort Dodge that the said improvements will be constructed in accordance with this regulation and within five years of final Council approval.
- (n) Plat. (1) A map representing a tract of land, showing the boundaries and location of individual properties and streets; (2) A map of a subdivision or site plan.

- (o) Plat, Final. The final map of all or a portion of a Subdivision or Site Plan which is presented to the proper review authority for final approval.
- (p) Plat, Preliminary. A preliminary map indicating the proposed layout of the Subdivision or Site Plan which is submitted to the proper review authority for consideration and preliminary approval.
- (q) Plat, Sketch. A rough Sketch Map of a proposed Subdivision or Site Plan of sufficient accuracy to be used for the purpose of discussion and classification.
- (r) Right-of-way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses. Generally, the right of one to pass over the property of another.
- (s) Roadway. That portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.
- (t) Street. All property dedicated or intended for public or private use for access to abutting lands or parkway, thoroughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.
- (u) Subdivider. The term Subdivider means any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a Subdivision as defined herein, and includes any agent of the subdivider.
- (v) Subdivision. A Subdivision is any tract or parcel of land of forty acres or less or of more than forty acres if divided into parcels any of which are less than forty acres and any tract or parcel of land of any size located within the City Limits or within two miles of the City Limits, that shall be subdivided into three or more parts by every original proprietor. The term, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided or the resubdivision of land heretofore divided or platted into lots or other division of land or, if a new street is involved.
- (w) Topography. The configuration of a surface area showing relative elevations.
- (x) Zero Lot Line. Is a zoning classification that allows a residential duplex to be constructed on one property line, with setbacks required only on the side of the structure which do not abut the lot lines. One dwelling unit shall be constructed on each side of the zero lot line property line. All

Subdivisions shall be approved independently for zero lot line usage through the procedures utilized in all rezonings and upon said approval shall be so designated with the label ZL following the Subdivision name on the District Map.

ARTICLE 3: JURISDICTION AND PROCEDURE

Section 1.

- (a) These Subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of the City and within the unincorporated areas within two miles of the corporate limits of the City.
- (b) No land shall be subdivided within the corporate limits of the City and within the unincorporated areas within two miles of the corporate limits of the City until:
 - (1) The subdivider or his agent has obtained final approval of the plan itself by the City Council; and
 - (2) The approved Plat is filed with the Webster County Recorder.
- (c) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.
- (d) With regard to subdivisions located within the unincorporated areas within two miles of the corporate limits of the City of Fort Dodge, the Commission and Council shall have the right to waive the requirements contained in this chapter to the end that the Commission and Council are satisfied that suitable restrictions and regulations have been placed on the subdivisions by the County Plan and Zoning Commission and County Board of Supervisors, provided, however, that the Secretary of the County Plan and Zoning Commission furnish the City Plan and Zoning Commission with a copy of the subdivision certifying that all requirements and appropriate county ordinances, including but not limited to Webster County Subdivision Ordinance, have been met. The commission shall thereafter study the plat to determine that no conflict exists with the extension of existing streets and right-of-way within the City into the unincorporated areas and whether the plat would otherwise interfere in any way with the carrying out of the Comprehensive Plan for the City. If the Commission is

satisfied by their studies that these conditions are provided for, they shall endorse their approval upon the plat and submit it to the City Council. Upon approval by the City Council, the City Planner shall notify the County Auditor and Recorder according to the provisions of existing statutes. The purpose of this section is to facilitate the orderly processing of subdivision in unincorporated areas within two miles of the City, and to avoid conflicting regulations while at the same time assuring that provisions are made for proper and orderly growth of the City as outlined in the Comprehensive Plan.

Section 2. Procedure. Pre-Application Conference.

Whenever a subdivision of any tract of land located within the platting jurisdiction of the City of Fort Dodge is proposed, it is recommended that the applicant submit to the Fort Dodge Planning Department a request for a Pre-Application Conference. The conference should include the applicant or his engineer, or both, along with Staff from the City Planning Department, and City Engineering Department. The purpose of the conference shall be to acquaint the City Staff with proposed subdivision and acquaint the applicant and his engineer with procedures and with any special problems that might relate to the proposed subdivision. By way of concept review at this stage it is intended that potential problems will be avoided, and development cost savings will result.

Sketch Plan

The developer shall have the option to submit a Sketch Plan to the Plan Commission and/or City Council for preliminary approval prior to incurring significant costs in preliminary development. This Sketch Plan may be of a format determined by the developer and shall indicate the general layout and procedures to be incorporated in the subsequent preliminary and final plats.

- (a) The subdivider shall prepare and file with the City Clerk five (5) copies of a Preliminary Plat as well as a \$300.00 filing fee, which conforms to the requirements set forth in this regulation. The City Clerk shall then forward said copies to the City Planner for review. (Ordinance 1963)
- (b) The City Planner shall forthwith refer two (2) copies to the City Engineer.
- (c) The City Engineer and City Planner shall examine said plan as to its compliance with the laws and regulations of the City, the existing street system, and good engineering and planning practice, and shall within 15 days, submit their findings to the City Plan Commission.
- (d) The City Plan Commission shall, upon receiving the City Engineer's and City Planner's report, as soon as possible but no more than 30 days thereafter, consider said report and pass upon the plan. It shall then set

forth its recommendations in writing, whether of approval, modification, or disapproval. In case of modification or disapproval, it shall give its reasons therefore.

The City Plan Commission shall forthwith return one (1) copy of the approved Preliminary Plat to the subdivider.

- (e) Upon approval of the Preliminary Plat by the City Plan Commission, the subdivider may proceed with the preparation of the Final Plat and detailed construction drawings and specifications for the improvements required under this regulation.
- (f) In the case that the proposed Subdivision constitutes a Minor Plat, no Preliminary Plat shall be required.
- (g) The approval of the Preliminary Plat by the City Plan Commission is revocable and does not constitute final approval or acceptance of the subdivision by the City Council or authorization to proceed on construction of improvements within the subdivision but shall constitute approval of layout and general planning proposals.
- (h) Before submitting the Final Plat to the City Plan Commission for approval, the subdivider shall furnish all plans, specifications and information as necessary for the detailed engineering consideration of the improvements required to the City Engineer.
- (i) For Final Plat approval, and at least fourteen (14) days prior to its consideration for final approval at public meeting, the Subdivider shall submit to the City Plan Commission:
 - (1) A reproducible copy of the Final Plat.
 - (2) Certification from the City Engineer that specifications for the improvements are acceptable and that the Final Plat is substantially in accord with the Preliminary Plat as approved by the City Plan Commission.
 - (3) A Performance Bond and a Maintenance Bond in amounts approved by the City Engineer, to be approved by the City Council, the Maintenance Bond covering a period of two (2) years on all subdivision improvements conditioned that the subdivider shall maintain such improvements in good repair for the periods specified therein and the Performance Bond which insures completion of improvements within one (1) year of subdivision approval by the City Council.

- (j) When the Final Plat has been passed upon the City Plan Commission, a reproducible copy of the Final Plat and Performance and Maintenance Bonds shall forthwith be transmitted to the City Council, together with a certificate showing the action of the City Plan Commission as well as all certificates required by State Code to be entered of record together with the certified plat.
- (k) When the Final Plat has been approved by the City Council and the Performance and Maintenance Bond accepted, eleven (11) copies shall be duly certified; one copy shall be forwarded to the City Engineer and one copy shall be forwarded to the City Clerk for their respective files; one copy to the Subdivider for recording. Eight (8) copies shall be retained by the City Planner. If said plat is disapproved by the City Council, such disapproval shall point out in writing where in said proposed plat is objectionable.
- (l) The passage of a resolution accepting the plat shall constitute approval of the platting of the area shown on the Final Plat, but the owner shall cause such plat to be recorded in the Office of the County Recorder of Webster County, Iowa, and shall file satisfactory evidence of such recording in the office of the City Planner before the City shall recognize the plat as being in full force and effect and final approval is granted. If the Plat is not recorded within 30 days of the Council approval, said approval shall be automatically revoked. The City Planner shall upon notification of recording, subsequently notify the City Clerk, City Building Inspector and City Engineer of the same.
- (m) Upon receipt of the evidence of recording of the final Plat of the City Planner will transmit copies of the Plat, upon which have been placed the official house numbers as determined by the City Engineer, to the Subdivider, the Waterworks department, the Gas Company, the Telephone Company, the City Building Inspector/Zoning Administrator and the Postmaster.
- (n) Upon provision of evidence of recording of the Final Plat to the City Planner by the subdivider, he may proceed with the installation and construction of the required improvements.
- (o) The City Council will return the performance bond to the subdivider upon certification by the City Engineer of satisfactory completion of the improvements and acceptance thereof by the City Council. Prior to certification by the City Engineer, the subdivider shall file with the City Engineer plans of the required improvements as they have been built.

- (p) Upon being notified in writing by the City Planning Department that the certified final plat has been recorded, the building department may proceed to issue building permits for lots contained within such plat.
- (q) No certificate of occupancy for any building in the subdivision shall be issued prior to the completion of street, water, and sanitary sewer improvements, and dedication of same to and accepted by the City or the entity responsible for the operation and maintenance of such improvement, as specified in the approved construction plans and final subdivision plat as recorded.

ARTICLE 4: PLANNING CRITERIA

Section 1. Streets.

New Subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for the public requirements. Where the parcel of land is subdivided into larger tracts than ordinarily used for building lots, such parcel shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets. Easements providing for the future opening and extension of such streets, may, at the discretion of the City Council be made a requirement of the Plat.

The width and locations of major street right-of-way shall be sixty feet (60'). Where streets adjoin unsubdivided property a half-street at least thirty feet (30') in width shall be dedicated. No private improvements to be utilized for occupancy.

Alleys shall not be provided in a residential block. Alleys are required in the rear of all business lots and shall be at least twenty (20') feet wide. The City Council shall have the right to waive the required alley at the rear of the business lots where the public interest will still be served.

Cul-de-sacs shall have a maximum length of five hundred feet (500') and shall terminate at the closed end with a vehicular turn-around (minimum fifty foot (50') radius right-of-way circular.)

In the case of temporarily dead ended streets, which are stub streets designed to provide future connection with unsubdivided areas adjoining, the City Council may require a temporary easement for a turnaround of the nature indicated above, or an appropriate area for a background, or a roadway at least twenty-seven (27') feet in width of not excessive length to connect the temporary dead-end with an existing street.

Streets should be laid out to intersect at right angles, and may be curved approaching the intersection in order to bring this about; no street shall intersect any other street at an angle of less than sixty degrees (60°). The design of the intersection should be such that a clear sight distance will be maintained for seventy-five feet (75') at the roadway centerline, with no obstruction to sight within the triangle formed at these points.

Streets that are obviously in alignment with other already existing and named shall bear the name of the existing streets. The proposed names of new streets shall be shown on the Final Plat and such names shall not duplicate or sound similar to existing street names. The City Engineer shall propose street names and house numbers.

Section 2: Blocks – Lots.

No block shall be longer than 1,000 feet between street lines. An easement near the center of the block not less than 10 feet wide for a cross-walk may be required on blocks that are over 750 feet in length. The width of blocks shall not be less than 200 feet and not more than 750 feet.

The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.

The width and area of all lots shall comply with the requirements of the zoning district in which it is located. However, no residential lot shall be less than sixty feet (60') in width at the front building line, or less than one hundred feet (100') in depth, or less than six thousand square feet (6,000') in area. However in subdivisions, which are concurrently being approved for Zero Lot Line regulations, lot sizes may be reduced to a minimum of thirty-five feet (35') in width and a minimum of 4000 square feet (4000') in area.

Corner lots shall have extra width sufficient to permit the establishment of front building lines on both adjoining streets.

Corner lots, however, shall be a minimum of fifty feet (50') in width and five thousand square feet (5000') in area.

In all lots so far as possible, the side lines shall be at right angles to straight street lines or radial to curved street lines except where a variation of this rule will prove a better street and lot layout.

Double frontage and reverse frontage lots shall be avoided except where their use will produce definite advantages in meeting special situations in relation to topography, sound site planning and proper land use.

A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the City Plan Commission.

Section 3: Parks and School Sites.

If the land to be subdivided contains sites that are designated in the Comprehensive City Plan to be used for schools and parks, the developer of the subdivision shall dedicate or reserve such site for such use. In the event that sites have been so reserved and are not acquired by the city, by the Board of Education, or other interested public agency, within one (1) year of the final approval of the Final Plat, then such sites may be subdivided by the developer or proprietor of the subdivision in the usual manner, subject accordingly to all pertinent and prevailing zoning regulations in the said area.

Section 4: Character of Development.

The City Plan Commission and City Council may require that certain minimum regulations regarding type and character of development be incorporated in the owner's declaration of plat. Such regulations shall be intended to protect the character and development of the platted subdivision, as well as that of the surrounding development.

ARTICLE 5: IMPROVEMENTS

The subdivider shall construct all improvements required by this Article. The improvements shall be inspected to insure compliance with the requirements of this section. The cost of this inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City of Fort Dodge and as determined by the City Engineer.

Section 1 Streets and Alleys.

All streets and alleys within the platted area, which are dedicated for public use, shall meet the following requirements:

- (a) Surfacing for all streets shall area a minimum of seven inches (7") (180mm) of Portland cement concrete with integral curb and gutter. Alleys shall also be a minimum of seven inches (7") (180mm). Pavement thickness may be required to be greater than seven inches (7") (180mm) at the discretion of the City Engineer. Asphaltic concrete (AC) paving may be used if a depth of equivalent strength to Portland cement concrete is provided and approved by the City Engineer. The method developed by

the American Association of State Highway and Transportation Officials (AASHTO) is an approved method for calculating an equivalent thickness. Asphaltic concrete (AC) paving shall include a minimum of thirty inches (30")(0.76m) curb and gutter for all streets. A six inch (6")(150mm) rolled stone base shall be required for all pavements. Sub-drains are also required where storm sewer is not available to provide an outlet for sump pumps.

- (b) Maximum grade shall be 7% for major streets. Ten percent (10%) for minor streets. Minimum grade shall be 0.5%.
- (c) Cul-de-sacs shall have a maximum length of 500 feet, shall terminate at the closed end with a turnaround. A curvilinear turnaround shall have a minimum radius of forty feet (40') to exterior curb line. A landscape plan shall also be submitted for cul-de-sac islands; the maintenance of which shall be the responsibility of the adjacent owners.
- (d) Minimum pavement widths shall be required as follows:

<u>Right-of-way Category</u>	<u>English</u>	<u>Metric</u>
Alley		
Residential	16' B-B	4.9 m
Commercial.....	20' B-B	6.1 m
Two lanes, no parking		
Residential	28' B-B	8.5 m
Commercial, highway, collector	31' B-B	9.5 m
Two lanes, parking one side		
Residential	33' B-B	10.1 m
Commercial, highway, collector	37' B-B	11.3 m
Two lanes, parking both sides		
Residential	41' B-B	12.5 m
Commercial, highway, collector	45' B-B	13.7 m
Four lanes, no parking		
Lighter traffic	45' B-B	13.7 m
Commercial, highway, heavy traffic, collector ...	49' B-B	14.9 m

The categorization of a given proposed right-of-way shall be determined by the City. (Ordinance #1912)

- (e) Private streets at the Plan Commission's and Council's approval may be exempt from the above requirements. No private streets shall be allowed

when connecting public streets and providing for through traffic or providing for a future extension of public streets. All private streets shall have maintenance provisions through the encompassing Property Owner's Association acceptable to the City Council.

Section 2: Sanitary, Storm Sewer and Water System.

Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sanitary sewer, and shall provide connection to each lot in the subdivision.

Where public sanitary sewers are not available, other approved facilities must be provided for the adequate disposal of sanitary wastes, which may require increased lot areas.

Adequate provisions shall be made for the disposal of storm water.

Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot.

Section 3: Utility Services.

Where utilities provide for gas, electric, cable television, telephone or other like services, the transmission of these services shall be placed underground with the exception of necessary transformers, junction boxes, valves, meters or other necessary control apparatus, which requires frequent review. A waiver of these requirements may also be granted for three phase main feeder lines carrying in excess of 4160Y/2400 volts or when topographical or soil conditions are determined to be impractical as advised by the Director of Public Works. (Ordinance #1744)

Section 4: Sidewalks – Driveway Aprons.

Sidewalks with a minimum width of four feet and a minimum thickness of four inches of Portland cement concrete shall be installed; provided, however, that where the property is platted in lots having an area of at least 20,000 square feet and a width of at least 100 feet, the City Council may waive these requirements.

All driveway approaches to off-street parking from curb line to walk line to be installed at the time of sidewalk improvements shall have a minimum standard requirement of 9 feet at walk line, 14 feet at curb line and a minimum thickness of 6 inches of P.C. concrete or equal.

Section 5: Plans and Specifications.

The Subdivider shall submit to the City Engineer the following plans, profiles and cross sections, drawn to a scale acceptable to the City Engineer, and specifications for the construction of the improvements for the subdivision as required in this regulation. All elevations shall be referred to mean sea level. All documents must be signed by an Iowa licensed Professional Engineer.

- (a) A General Plan showing the location of all planned and existing public and private utilities (buried or overhead), all sewer and water lines, pavements and the proposed surface drainage for each lot.
- (b) The plan and profiles of each street with tentative grades and street intersection elevations.
- (c) The cross sections of proposed streets showing the width of roadways, present and proposed grade lines, and location and size of utility mains. The cross sections shall be taken and platted at intervals of not more than fifty feet along the centerline and shall extend out to the sides to that point where the proposed grade intersects the existing grade. In no case shall these cross sections be extended less than the full width of the right-of-way.
- (d) The plan and profile of proposed sanitary sewers and storm sewers with grades and pipe sizes indicated, and a plan of the proposed water distribution system showing pipe sizes and depths and location of valves and fire hydrants.
- (e) Specifications for the required improvements. Standard specifications approved by the City Engineer may be used.

Section 6: Monuments.

Survey monuments shall be established within the subdivision, by an Iowa licensed Land Surveyor in accordance with the Iowa Code the following:

- (a) Prior to the offering of the plat of any subdivision for record, the registered land surveyor shall confirm the prior establishment of permanent control monuments at each controlling corner on the boundaries of the parcel or tract of land being subdivided. If no permanent control monuments exist, the registered land surveyor shall establish at least two permanent control monuments for each block created, or if the area subdivided into lots is less than a block in size, at least two permanent control monuments shall be established for the subdivision. Permanent control monuments shall be constructed of reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or

electronic equipment. The registered land surveyor shall affix a cap of reasonable inert material bearing an embossed or stencil cut marking of the Iowa registration number of the registered land surveyor to the top of the monument.

- (b) Other monuments established prior to the recording of the plat of the subdivision and described on the plat shall be considered monuments of record and shall be given the same weight as original permanent control monuments if the monuments remain undisturbed in their original positions. The additional monuments shall be constructed and embedded according to the provisions for permanent control monuments prescribed in Subsection “a” of this section.
- (c) Monuments other than the permanent control monuments required in Subsection 1 of this section shall not be required to be established before the recording of the plat or the conveyance of lands by reference to the plat if the registered land surveyor includes in the certification of the plat that the additional monuments required by this chapter or by any local ordinance shall be established before a specified future date.
- (d) Additional monuments shall be constructed and embedded according to the provisions for permanent control monuments prescribed in this section, and shall be set at all of the following locations whether set prior to the recording of the plat, or subsequent to such recording:
 - (1) At every corner and angle point of every lot, block or parcel of land created.
 - (2) At every point of intersection of the outer boundary of the subdivision with an existing or created right-of-way line of any street, railroad, or other way.
 - (3) At every point of curve, tangency, reversed curve, or compounded curve on every right-of-way line established.

When the placement of a monument required by this chapter at the prescribed location is impractical, it is permissible to establish a reference monument in close proximity to the prescribed location. If the reference monument is established prior to the recording of the plat and its location properly shown on the plat, the reference monument shall have the same status as other monuments of record. Where any point requiring monumentation has been previously monumented, the existence of the monument shall be confirmed by the registered land surveyor. The existing monument shall be considered a monument of record when properly shown as described on the recorded plat.

ARTICLE 6: PRELIMINARY PLAT REQUIREMENTS

Section 1: Scale.

The Preliminary Plat shall be clearly and legibly drawn to a maximum scale of one-hundred feet to one inch or less and shall be clearly marked "Preliminary Plat." The scale used shall be clearly stated and graphically illustrated, by a bar scale drawn on every sheet showing any portion of land subdivided.

The size of each sheet showing any portion of the subdivided lands shall not be greater than eighteen inches by twenty-four inches; nor less than eight and one-half inches by eleven inches.

Section 2: That Plat Shall Show.

- (a) The proposed name of the subdivision and, if different, the title under which the subdivision is to be recorded.
- (b) The name and address of the owner and the name, address and profession of the person preparing the plan.
- (c) The date, scale and north point and key map showing the general location of the proposed subdivision in relation to surrounding development.
- (d) The legal description of the area being platted.
- (e) The boundary line (accurate in scale), the dimensions and location of the property to be platted and the location of section lines. Contours with intervals not greater than five feet.
- (f) The names and location of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land.
- (g) The location of property lines, streets and alleys, easements, watercourses, tree masses, and other existing features affecting the plan.
- (h) The zoning classification and proposed use for the area being platted.
- (i) The layout, numbers and approximate dimensions of proposed lots.
- (j) The location and width of all right-of-ways and ground proposed to be dedicated for public use.

ARTICLE 7: FINAL PLAT REQUIREMENTS

Section 1: Scale.

The Final Plat shall be clearly and legibly drawn to a scale of one-hundred feet to one inch or less and shall be clearly marked "Final Plat". The scale used shall be clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the lands subdivided. The size of each sheet showing any portion of the subdivided lands shall not be greater than eighteen inches (18") by twenty-four inches (24") nor less than eight and one-half (8-1/2") by eleven inches (11".)

Section 2: Plats Made for Record.

Every Plat of a Subdivision offered for record shall conform to the Iowa Code and all of the following provisions where applicable:

- (a) The plat shall be a permanent copy of a photographic print made on a stable plastic film. Exact copies of the plat to be recorded shall be provided to and filed by the County Recorder, Assessor and Auditor as well as with the City Clerk and City Planner. The original plat drawing shall remain the property of the registered land surveyor.
- (b) Whenever more than one sheet is used to accurately portray the lands subdivided, each sheet shall display both the number of the sheet and the total number of sheets included in the plat, as well as clearly labeled match lines indicating where the other sheets adjoin. An index sheet shall be provided to show the relationship between the sheets.
- (c) Subdivisions shall be designated by name as well as by the name or names of the owners and subdividers, in bold letters inside the margin at the top of each sheet included in the plat.
- (d) An arrow indicating the northern direction shall be drawn in a prominent place on each sheet included in the plat. Also included shall be the date and the scale and the general location of the proposed subdivision.
- (e) All Monuments to be of record shall be adequately described and clearly identified on the plat. When additional monuments are to be established subsequent to the recording of the plat as provided in Section 409.30 of the Iowa Code, Subsection 3, the location of the additional monuments shall be shown on the plat.
- (f) The legal description of the area being platted as well as sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement, or other areas shown on the plat, as well as the outer

boundaries of the subdivided lands. All building lines with dimensions shall also be shown.

- (g) All distances shall be shown in feet to the nearest one-hundredth of a foot, and in accordance with the definition of a foot adopted by the United States Bureau of Standards. All measurements shall refer to the horizontal plane.
- (h) The course of every boundary line shown on the plat shall be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line having a shown course. All bearings and angle shown shall be given to at least the nearest minute of arc. Also included shall be all section lines and U.S. Survey and Congressional Township lines.
- (i) Curve data shall be stated in terms of radius, central angle, and tangent, or length of curve, and curve data for streets of uniform width may be shown only with reference to the center line, and lots fronting on such curves may show only the chord bearing and distance of such portion of the curve as is included in their boundary. In all other cases, the curve data must be shown for the line affected. Centerlines of all proposed and adjoining streets with their right-of-way width and names shall also be shown.
- (j) The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
- (k) When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a meander line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less" if variable. In all cases, the true boundary shall be clearly indicated on the plat.
- (l) Lines of all lots with a simple method of numbering to identify all lots and blocks shall be used.
- (m) All interior accepted parcels should be clearly indicated and labeled, "Not a part of this Plat".
- (n) All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a re-subdivision of

a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Re-subdivision shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.

- (o) The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, water, sewer, and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat. All such easements relative to their usage and maintenance shall be approved by the City Plan Commission prior to the recording of the plat.
- (p) All private restrictive covenants and their period of existence shall be indicated.
- (q) The accurate outline, dimensions, and purposes of all property, which is offered for dedication or is to reserved for acquisition for public use, or is to be reserved by deed covenant for the common use of the property owners of the subdivision, shall be shown. Names of streets shall be shown.
- (r) The plat must show certification by a registered land surveyor that the Final Plat as shown is a correct representation of the survey as made.

ARTICLE 8: RESERVED

ARTICLE 9: EXCEPTIONS

Section 1. Modification of Requirements.

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this regulation would result in “extraordinary hardship” to the subdivider because of unusual topography; or other such “non-self-inflicted” condition, or that these conditions would result in inhibiting the achievement of the objectives of this regulation, the City Plan Commission may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this ordinance or interfering with the carrying out the Comprehensive Plan of the City of Fort Dodge.

In no case shall any variation of modification be more than a minimum easing of the requirements and in no instance shall it have the effect of reducing the traffic capacity of any street below that shown on the Comprehensive Plan of the City of Fort Dodge or be in conflict with any zoning ordinance and map.

Such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4ths) of the members of the City Plan Commission and three-fourths (3/4ths) vote of the City Council.

In granting variances and modifications, the City Plan Commission may require such conditions as will, in its judgment secure substantially the objectives of the requirements so varied or modified.

Procedures – A petition of any such variance, waiver or modification shall be submitted in writing by the Subdivider at the time when the Preliminary Plat is filed for consideration of the Plan Commission. The petition shall state fully the grounds for the application and all the facts relied on by the petitioner.

Section 2: Planned Development District.

Where in the case of a Subdivision which is also proposed as a Planned Development District under Ordinance 1489, the Plan Commission and City Council shall have the power to grant further variances and modification to this Ordinance and grant concurrent approval under this Ordinance and Ordinance 1489. All Preliminary and Final Plat requirements of this Ordinance shall be met for recording. In granting variances and modifications, the City Plan Commission may require such conditions as will, in its judgment secure substantially the objectives of the requirements so varied or modified.

ARTICLE 10: RESERVED

ARTICLE 11: CHANGES AND AMENDMENTS

Section 1. Changes and Amendments.

Any regulations or provisions of this regulation may be changed and amended from time to time by the Council provided, however, that such changes or amendments shall not become effective until after a Public Hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the City of Fort Dodge at least fifteen days prior to such hearing.

ARTICLE TWELVE: VALIDITY

Section 1. Validity.

If any section, subsection, sentence, clause or phrase of this regulation is for any reason held to be unconstitutional or void, such decision shall not invalidate the remaining portions of this regulation.

ARTICLE THIRTEEN: PENALTIES

Section 1. Penalties.

Any person who shall dispose of or offer for sale or lease any lots in any City or Addition to any City, until the plat thereof has been acknowledged and recorded as provided in Chapter 409 of the Iowa Code and in this Ordinance, shall forfeit and pay Fifty Dollars (\$50.00) for each lot and part of lot sold or disposed of, leased or offered for sale.

ARTICLE FOURTEEN: CONFLICTING ORDINANCES REPEALED

Section 1. Conflicting Ordinances Repealed.

All regulations or parts of regulations in conflict herewith are hereby repealed, except any regulation that imposes more restrictive regulations are imposed herein.

SUBDIVISION REGULATIONS ADOPTED: January 17, 1984

ORDINANCE AMENDMENTS

<u>ORDINANCE NO.</u>	<u>COUNCIL APPROVAL</u>	<u>ARTICLE/PAGES</u>
1744	10/03/88	Article 5, Section 3 (p. 13)
1912	5/19/97	Article 5, Section 1(a)&(d) (p. 11-12)
1963	4/16/01	Article 3, Section 2 (p. 6)